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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 SANDRA DEANNE SHAYNE,

No. CIV S-04-1492 MCE DAD P

12 Petitioner,

13 v.

ORDER

14 DEBORAH JACQUES, ET AL.,

15 Respondents.
16 _____/

17 Petitioner, a state prisoner proceeding pro se, has filed an
18 application for a writ of habeas corpus pursuant to 28 U.S.C.
19 § 2254. The matter was referred to a United States Magistrate
20 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General
21 Order No. 262.

22 On June 13, 2005, the magistrate judge filed findings and
23 recommendations herein which were served on all parties and which
24 contained notice to all parties that any objections to the
25 findings and recommendations were to be filed within twenty days.

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1 Neither party has filed objections to the findings and
2 recommendations.

3 The court has reviewed the file and finds the findings and
4 recommendations to be supported by the record and by the
5 magistrate judge's analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The findings and recommendations filed June 13, 2005,
8 are adopted in full;

9 2. Respondents' October 13, 2004 motion to dismiss this
10 action as filed in violation of the statute of limitations is
11 denied;

12 3. Respondents' October 13, 2004 motion to dismiss the
13 habeas petition as mixed is granted with leave to amend;

14 4. Petitioner is granted thirty days to file and serve an
15 amended petition containing only exhausted claims;

16 5. By motion filed and served with her amended petition,
17 petitioner may move to stay this action; such a motion must make
18 the showing required by Rhines v. Weber, 125 S. Ct. 1528, 1534-35
19 (2005);

20 6. If petitioner files a motion to stay, respondents shall
21 file and serve their opposition to the motion within thirty days
22 after the motion is served, and petitioner shall file and serve
23 any reply within fifteen days thereafter; and

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1 7. If petitioner does not file a motion to stay,
2 respondents shall file and serve their answer to the amended
3 petition within thirty days after the pleading is served, and
4 petitioner shall file and serve her traverse within thirty days
5 thereafter.

6 DATED: July 21, 2005

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10 MORRISON C. ENGLAND, JR.
11 UNITED STATES DISTRICT JUDGE
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